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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,102	07/17/2003	Stephen S. Ing	117891-156747	8437
60/172 7590 08/17/2009 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH, SUITE 3010 SEATTLE, WA 98101				
EXAMINER VO, TUNG T				
ART UNIT 2621		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 07/29/2009 have been fully considered but they are not persuasive.

The applicant argues that Takashima (104 of fig. 5) does not disclose a current byte count of the uncompressed image data.

The examiner strongly disagrees with the applicant. It is submitted that Takashima discloses the counter 104 is shown on FIG. 5 to be made up of a picture counter 104a, a macro-block counter 104b and a counter 104c for performing various other counting operations, wherein various counting operations includes counting number of values for the rate control, 107 of fig. 5; and the rate control uses one of the various counting operations to count number of bits (8 bits is a byte) of the current picture (S412 of fig. 8) and number of bits per macroblock (S413 of fig. 8). This disclosure clearly suggests the current byte count for adjusting the bit rate by the rate control (107 of fig. 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621